

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Jane Doe 1, individually and on behalf of
all others similarly situated,

Plaintiff,

v.

JPMorgan Chase Bank, N.A.,

Defendant.

Case No. 1:22-CV-10019 (JSR)

**DECLARATION OF DAVID BOIES IN SUPPORT OF PLAINTIFF JANE
DOE 1'S MOTION FOR CLASS CERTIFICATION**

I, David Boies, declare as follows:

1. I am a member in good standing of the bar of the State of New York and am admitted to practice before this Court. I am the Chairman and a Managing Partner of Boies Schiller Flexner ("BSF"). I make this declaration on my own personal knowledge, and if called as a witness to testify, I could and would testify competently to the following facts.

2. I submit this declaration in support of the motion filed by Jane Doe 1 for class certification and approval of BSF as Class Counsel. My firm and I represent Class Representative, Jane Doe 1, in the above-captioned action, and we respectfully request the Court approve our firm as Class Counsel in this action.

A. Relevant Firm Expertise

3. BSF has a strong record of successfully and diligently representing plaintiffs in complex class action litigation. Recent cases in which BSF or its partners were lead or co-lead

counsel include: *In re Grupo Televisa Securities Litigation* (1:18-cv-01979) (S.D.N.Y.), in which the court granted preliminary approval of a settlement last month; *In re Blue Cross Blue Shield Antitrust Litigation*, (2:13-cv-20000) (N.D. Ala.), an antitrust class action in which the Firm achieved both what the court referred to as “historic” injunctive relief and a \$2.7 billion award in a settlement that received final approval last October; *In re Takata Airbag Products Liability Litigation* (1:15-md-02599) (S.D. Fla.), which is still proceeding against certain defendants but in which there has already been a recovery of more than 1.5 billion dollars; *In re Halliburton Securities Litigation* (13-317), in which the firm won two appeals to the United States before achieving a \$100 million recovery. Other notable cases in which the Firm or its partners were lead counsel include *In re Auction House Antitrust Litig.* (1:00-cv-00648) (S.D.N.Y.), in which the firm achieved \$512 million in an antitrust class action after prior interim lead counsel valued the case at less than \$100 million.

4. BSF has the resources and expertise to devote to this action, which requires dealing with what I know to be very capable, aggressive, and well-financed lawyers representing Defendant.

5. BSF has already expended, and will continue to expend, substantial time and resources in actively and diligently litigating this action. I, along with my fellow partners Sigrid McCawley and Andrew Villacastin and the rest of our litigation team, have already devoted more than 1,500 hours and substantial resources in developing Doe’s case and undertaking substantial fact discovery. The expenses that BSF has already incurred include the retention of expert witnesses, consultants, and an e-discovery vendor. BSF also took a lead role in drafting Doe’s opposition to Defendant’s motion to dismiss and arguing it before the Court, resulting in the Court denying Defendant’s motion and allowing the matter to proceed through discovery. BSF has also

conducted five depositions to date, and is currently reviewing the over 40,000 documents produced by Defendant in order to further develop the class members' claims.

B. Team Members

6. The BSF team includes myself, Sigrid McCawley, Andrew Villacastin and twenty other lawyers as well as a full support staff led by experienced paralegals.

7. **David Boies:** I personally served as co-lead counsel in cases such as *In re Grupo Televisa Securities Litigation* (1:18-cv-01979) (S.D.N.Y.), *In re Halliburton*, *In re Blue Cross Blue Shield Antitrust Litigation* (2:13-cv-20000) (N.D. Ala.), *In re Takata Airbag Products Liability Litigation* (1:15-md-02599) (S.D. Fla.), *In re Vitamins Antitrust Litigation* (Nos. 99-7256, 99-7281) (D.D.C.).

8. I, along with Ms. McCawley, have represented survivors of Jeffrey Epstein's sex trafficking enterprise since June 2014. We brought our first case on behalf of survivors against Ghislaine Maxwell in 2015 and our first case against Jeffrey Epstein on behalf of survivors in 2016. We have also represented survivors in civil litigation against Epstein's Estate after his death, *see Farmer v. Indyke, et al.* (No. 1:19-cv-10474); *Farmer v. Indyke, et al.* (No. 1:19-cv-10475); *Helm v. Indyke, et al.* (No. 1:19-cv-10476); *Bryant v. Indyke, et al.* (No. 1:19-cv-10479); *Doe 1000 v. Indyke, et al.* (No. 1:19-cv-10577), and numerous survivors who made applications to the Epstein Victim's Compensation Fund. We have also been representing an Epstein survivor in her civil lawsuit against Prince Andrew, *Giuffre v. Andrew* (1:21-cv-6702) (S.D.N.Y.).

9. **Sigrid McCawley:** Sigrid McCawley is a Managing Partner of BSF. Ms. McCawley's experience and talents have been nationally recognized, having been named Litigator of the Year by The American Lawyer, Top Ten Female Litigator in 2020–2022 by Benchmark Litigation, a finalist for Lawyer of the Year by the American Lawyer in 2022 and a finalist for

Attorney of the Year in Florida by Daily Business Review, and numerous other awards. Ms. McCawley has handled some of BSF's most challenging disputes, including securing a \$100 million victory in the landmark case before the U.S. Supreme Court in *In re Halliburton Securities Litigation* (No. 13-317).

10. Ms. McCawley's experience in the representation of survivors of sexual abuse is also well-documented. As noted above, Ms. McCawley has devoted years of her career to advocating on behalf of survivors of Jeffrey Epstein, including in cases against Prince Andrew, Ghislaine Maxwell, and the Epstein Estate. Ms. McCawley was recognized by Forbes Magazine for her "iron clad interrogation skills" during the deposition of Ghislaine Maxwell. Her work contributed to the arrest of Jeffrey Epstein, Ghislaine Maxwell, and Jean Luc Brunel, and resulted in a successful resolution of claims for numerous Epstein survivors. Ms. McCawley's work for survivors of Jeffrey Epstein has appeared on Netflix, Lifetime, 60 Minutes, ABC, NBC, CBS, CNN, and Fox, and Ms. McCawley has been further featured in The New York Times and The Wall Street Journal.

11. **Andrew Villacastin:** Andrew Villacastin is a partner at BSF. In 2022, Mr. Villacastin was recognized in the 2023 edition of Best Lawyers in America as Ones to Watch for his work in commercial litigation. Mr. Villacastin also has significant experience litigating class actions—he is currently defending a life insurance company in multiple class action lawsuits and has represented a major bank in multidistrict LIBOR-related actions involving antitrust, securities, RICO, Commodities Exchange Act, and state law claims. As mentioned above, Mr. Villacastin has been a zealous advocate for survivors of Jeffrey Epstein for four years, and has worked on many of the aforementioned Epstein-related cases alongside Ms. McCawley.

12. I assure the Court that we have carefully read and understood the Court's Orders regarding the case and the role of Class Counsel.

C. Exhibits in Support of Motion for Class Certification

13. Attached are true and correct copies of the following exhibits:

- a. **Exhibit 1:** Declaration of Bradley J. Edwards, dated April 28, 2023
- b. **Exhibit 2:** Report of Jane Khodarkovsky, dated March 1, 2023, and filed under seal pursuant to the Protective Order in this matter
- c. **Exhibit 3:** Excerpts of a deposition dated June 20, 2016, in *Giuffre v. Maxwell*, 15-CV-07433 (S.D.N.Y.), unsealed by the Second Circuit on August 9, 2019, No. 18-2868, ECF No. 283
- d. **Exhibit 4:** Complaint filed in *C.L. v. Epstein*, 10-cv-80447 (S.D. Fla.), ECF No. 1
- e. **Exhibit 5:** Complaint filed in *Jane Doe 102 v. Epstein*, 09-cv-80656 (S.D. Fla.)
- f. **Exhibit 6:** Palm Beach Police Department Incident Report dated February 17, 2006
- g. **Exhibit 7:** Article by Emily Shugerman dated October 6, 2019, entitled "Epstein Flaunted Girls After His Arrest at Hair Salon for the Stars"
- h. **Exhibit 8:** U.S. Department of Justice Victim Notification Letter to Virginia Giuffre, dated September 3, 2008
- i. **Exhibit 9:** FBI Form 302, Virginia Giuffre, dated July 5, 2013
- j. **Exhibit 10:** Palm Beach Police Department victim interview dated October 11, 2005
- k. **Exhibit 11:** Amended Complaint filed in *Doe 43 v. Epstein, et al.*, 17-cv-00616 (S.D.N.Y.), ECF No. 45

- l. **Exhibit 12:** Epstein Victims' Compensation Program, Frequently Asked Questions, dated June 25, 2020
- m. **Exhibit 13:** Excerpts of the deposition of Rinaldo Rizzo dated June 10, 2016, in *Giuffre v. Maxwell*, 15-CV-07433 (S.D.N.Y.), unsealed by the Second Circuit on August 9, 2019, No. 18-2868, ECF No. 283
- n. **Exhibit 14:** Excerpts of the deposition of Alfredo Rodriguez dated July 29, 2009, in *Doe No. 2 v. Epstein*, No. 08-cv-80119 (S.D. Fla.), unsealed by the Second Circuit on August 9, 2019, No. 18-2868, ECF No. 283
- o. **Exhibit 15:** Complaint filed in *Farmer v. Indyke, et al.*, 19-cv-10475 (S.D.N.Y.), ECF No. 1
- p. **Exhibit 16:** Article by Jane Musgrave dated January 23, 2010, entitled "Victims seeking sex offender's millions see painful pasts used against them"
- q. **Exhibit 17:** Complaint filed in *Doe 1000 v. Indyke, et al.*, 19-cv-10577 (S.D.N.Y.), ECF No. 1
- r. **Exhibit 18:** Article by James Beal dated November 23, 2019, entitled "New Epstein victim says he raped her and bragged about Prince Andrew as first pics of his 'Paedo Island' emerge"
- s. **Exhibit 19:** Complaint filed in *Helm v. Indyke, et al.*, 19-cv-10476 (S.D.N.Y.), ECF No. 1
- t. **Exhibit 20:** Jeffrey Epstein's 2007 Non-Prosecution Agreement
- u. **Exhibit 21:** Indictment in *United States v. Epstein*, No. 19-cr-490 (S.D.N.Y.)

- v. **Exhibit 22:** Document produced by JPMC, bates stamped JPM-SDNYLIT-00001889, designated confidential by JPMC pursuant to the Protective Order in this matter and filed under seal
- w. **Exhibit 23:** Document produced by JPMC, bates stamped JPM-SDNYLIT-00000314, designated confidential by JPMC pursuant to the Protective Order in this matter and filed under seal
- x. **Exhibit 24:** Document produced by JPMC, bates stamped JPM-SDNYLIT-00000331, designated confidential by JPMC pursuant to the Protective Order in this matter and filed under seal
- y. **Exhibit 25:** Document produced by JPMC, bates stamped JPM-SDNYLIT-00001134, designated confidential by JPMC pursuant to the Protective Order in this matter and filed under seal
- z. **Exhibit 26:** Document produced by JPMC, bates stamped JPM-SDNYLIT-00001891, designated confidential by JPMC pursuant to the Protective Order in this matter and filed under seal
- aa. **Exhibit 27:** Document produced by JPMC, bates stamped JPM-SDNYLIT-00002058, designated confidential by JPMC pursuant to the Protective Order in this matter and filed under seal
- bb. **Exhibit 28:** Document produced by JPMC, bates stamped JPM-SDNYLIT-00010814, designated confidential by JPMC pursuant to the Protective Order in this matter and filed under seal

- cc. **Exhibit 29:** Document produced by JPMC, bates stamped JPM-SDNYLIT-00010807, designated confidential by JPMC pursuant to the Protective Order in this matter and filed under seal
- dd. **Exhibit 30:** Document produced by JPMC, bates stamped JPM-SDNYLIT-00194062, designated confidential by JPMC pursuant to the Protective Order in this matter and filed under seal
- ee. **Exhibit 31:** Document produced by JPMC, bates stamped JPM-SDNYLIT-00152756_R, designated confidential by JPMC pursuant to the Protective Order in this matter and filed under seal
- ff. **Exhibit 32:** Document produced by JPMC, bates stamped JPM-SDNYLIT-00194390, designated confidential by JPMC pursuant to the Protective Order in this matter and filed under seal
- gg. **Exhibit 33:** Document produced by JPMC, bates stamped JPM-SDNYLIT-00127953, designated confidential by JPMC pursuant to the Protective Order in this matter and filed under seal
- hh. **Exhibit 34:** Exhibit 6 of the deposition of Mary Casey dated April 7, 2023, designated confidential by JPMC pursuant to the Protective Order in this matter and filed under seal
- ii. **Exhibit 35:** Exhibit 7 of the deposition of Mary Casey dated April 7, 2023, designated confidential by JPMC pursuant to the Protective Order in this matter and filed under seal

- jj. **Exhibit 36:** Excerpts of the deposition of Plaintiff Jane Doe 1 dated March 3, 2023, designated confidential pursuant to the Protective Order in this matter and filed under seal
- kk. **Exhibit 37:** Excerpts of the deposition of Det. Joseph Recarey dated June 21, 2016, in *Giuffre v. Maxwell*, 15-CV-07433 (S.D.N.Y.), unsealed by the Second Circuit on August 9, 2019, No. 18-2868, ECF No. 283
- ll. **Exhibit 38:** Epstein Victims' Compensation Program, Protocol, dated May 29, 2020
- mm. **Exhibit 39:** Sworn Statement of Juan Alessi, dated November 21, 2005
- nn. **Exhibit 40:** Jeffrey Epstein's 97-page book of contacts ("Black Book")
- oo. **Exhibit 41:** Article by Michele Dargan dated March 11, 2011, entitled "Jeffrey Epstein address book 'Holy Grail' of famous names"
- pp. **Exhibit 42:** Transcript from proceedings before Hon. Richard M. Berman dated August 27, 2019, in *United States v. Epstein*, No. 19-cr-490 (S.D.N.Y.)
- qq. **Exhibit 43:** Report of Kimberly Mehlman-Orozco, dated April 13, 2023, and filed under seal pursuant to the Protective Order in this matter
- rr. **Exhibit 44:** Document produced by Plaintiff Jane Doe 1, bates stamped JDoe_JPMC_008040
- ss. **Exhibit 45:** Document produced by Plaintiff Jane Doe 1, bates stamped JDoe_JPMC_000018, designated confidential pursuant to the Protective Order in this matter and filed under seal

I declare under penalty of perjury that the foregoing is true and correct.

Dated: April 28, 2023

Respectfully Submitted,

By: /s/ David Boies

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